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INTERNATIONAL SEARCHING AUTHORITY

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10/549477

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/IB2004/000754

International filing date (day/month/year)
16.03.2004

Priority date (day/month/year)
17.03.2003

International Patent Classification (IPC) or both national classification and IPC
E04B296

Applicant
ALPROGETTI SRL

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITYInternational application No.
PCT/IB2004/000754

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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

Box No. V Reasoned statement under Rule 43b/s.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1,2,5-10
	No: Claims	3,4
Inventive step (IS)	Yes: Claims	1,2,5-10
	No: Claims	3,4
Industrial applicability (IA)	Yes: Claims	1-10
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

D1: EP-A-0 644 311 (EBERSPAECHER J) 22 March 1995 (1995-03-22)

D2: US-A-4 672 784 (POHLAR TRENT L) 16 June 1987 (1987-06-16)

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 3 is not new in the sense of Article 33(2) PCT.

The document **D1** discloses (see the corresponding passages cited in the search report) the features of the preamble of claim 1 and the characterizing portion, being:

the longitudinal element (20) (cf. fig. 4), in an intermediate position between said shaping (20.2) and said first attachment means (10a) has a longitudinal hollow (space between the lower, upwards pointing elements of the element (20)) able to perform a function of conveying and channelling water and condensation.

Therefore, the subject-matter of claim 3 is known from D1.

- 2.2 The subject-matter of claim 3 is also known from document D2 (see the corresponding passages cited in the search report).
- 2.3 Dependent claim 4 does not contain any features which meet the requirements of the PCT in respect of novelty, see documents D1 and D2 and the corresponding passages cited in the search report.
- 2.4 The features of dependent claims 5 to 10 do not seem to be known or rendered obvious by the available prior art.
- 3.1 The features of independent claim 1 and its dependent claim 2 are not known from the available prior art. Furthermore, they seem to be inventive, because the

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teachings from D1 would lead a skilled person away from the method of assembly suggested by the steps in method claim 1. Therefore the features of claim 1 and its dependent claim 2 are new and inventive (Article 33(2) and 33(3) PCT).